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MESSAGE

OF

Gov. Ben. H. Eaton.

1887.

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MESSAGE

OF

Gov. Ben. H. Eaton.

1887.

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1887.

GOVERNOR EATON'S MESSAGE.

To the

PEOPLE OF COLORADO,

IN LEGISLATURE ASSEMBLED:

Gentlemen of the Senate and House of Representatives:

In the name of The People, as Chief Executive of the State, I bid you a cordial welcome to your capital.

The Constitution, which calls your honorable body into existence, imposes upon the Executive the high duty of accounting to you for the administration of the government since the adjournment of the last General Assembly, and of directing your attention to the enactment of such measures of correction as experience may have proved to be necessary or desirable to promote the well being of the State.

In pursuance of that duty, it affords me pleasure to convey to you first, in general terms, the happy assurance that, under the blessings of God, the State is in a condition of great prosperity. The soil has borne its bountiful increase, and our mines have yielded up their treasures in unusual, if not unprecedented abundance.

I will invite your attention to such measures of remedial legislation as in my judgment will require consideration, as I present to you in turn the reports from the various departments of the government.

The people, in delegating to your honorable body their sovereign right of legislation, have invested you with eminent powers and committed to your charge duties of the

most grave and responsible character. And that you have not separated yourselves from the tender ties of your homes and the anxious demands of your business, and taken upon your conscience the solemn oath of office, without an earnest sense of responsibility and a proud desire to serve your State with credit to yourselves, is a presumption which I trust your efforts will entirely warrant.

You come together under conditions most auspicious to the rendering of this session one memorable for its usefulness in the history of our State. You have ample time for the careful consideration of all questions brought before you, and your attention will not be distracted by the partisan excitement of electing a Senator to the National Congress. The people expect great good from this session of your honorable body. You were elected to achieve it. That you will earnestly, industriously and wisely endeavor to satisfy the public expectations, I cannot permit myself to doubt. The eyes of the people will follow your efforts with deep interest, and with whatever confidence and sympathy those efforts may warrant.

It is not required that the volume of our laws should be greatly increased. Simplifying and perfecting is what they mostly need. Our excellent Constitution and our no less excellent body of laws have now been on trial long enough to disclose their defects and discordances; and it will be your chief duty by careful and wise revision to bring them into a more simple and harmonious relation with each other. In this connection I beg to solicit your earnest attention to the question of giving the people a more direct influence in the enactment of important laws. The Constitution wisely provides that you may submit such to the popular vote, and it is in perfect consonance with the genius of democracy that you should do so. With the best intention, legislators can only do the public will, in so far

as they understand it, and their means of understanding it will always be more or less imperfect. That law will be most easily enforced which most perfectly embodies the public intention, and no man can occupy the position of chief magistrate without learning how useless and imperative are laws not sustained by the public sentiment. When the sentiment is defeated in the capitol it will triumph in the jury box. The true spirit and intent of democracy is that all the people shall vote on all the laws. We have gradually drifted away from this safe harbor of anchorage. But the Constitution keeps it still in sight. The cost of publication may be urged against this method; but it is to be considered that we had better pay a dollar to the newspaper for enlightening the people than a dime to the sheriff for oppressing them.

You will be confronted at once with the necessity for a discreet economy in your appropiations. The State is indeed rich and prosperous, but the restrictions of the Constitution have, by natural operation, curtailed the revenue to an extent that was not foreseen. If the full intention of the Constitution can be brought into operation there will hereafter be no embarrassment. It provides that the property shall be rated for taxable purposes at its actual value, and fixes the method of determining that value. But the intention of the Constitution has in this regard always been defeated by valuations far below the actual, so that the constitutional rate of taxation does not bring the required revenue. No one can doubt that the actual value of the property of this State is at least $400,000,000, while the assessed valuation is but about $120,000,000. The railroads of the State alone are selling in the market to-day at a valuation considerably in excess of that sum. All other property is likewise selling at prices far in excess of assessed valuation.

There are a thousand seeming remedies for this wrong, none of which the Constitution will suffer you to meddle with. It restricts you to the one plain, simple and just

remedy of securing assessment at actual value. Your wisdom will readily enable you to provide for this, and thus relieve the future of embarrassment. A low tax on a full valuation will be found more satisfactory than a high rate on a low valuation. It will not only strengthen the public credit, but it will tend gradually to reduce interest-charge in private transactions. If the burden is justly distributed, it will bear very lightly on all. The administration has not been extravagant, and the finances have not been badly managed. The embarrassment grows out of the defective assessment. The State's credit is at par where our honor, not less than our interest, require that it shall be maintained.

But it should be borne constantly in mind that the situation is critical and calls for the exercise of unusual watchfulness and economy in appropriations. If the recklessness in shaping means to ends that prevailed in the last General Assembly be repeated, the State will be precipitated into bankruptcy in the midst of the greatest material prosperity it has ever known. And the party that invites such an unnecessary calamity will be hurled from power by the just indignation of the people. Whoever may do the evil, the party in the majority will alone have to suffer for it, and this consideration may so far affect the patriotism of the minority that they will consent to see the evil done. However painful it may be to my own partisan feelings to draw public attention to this phase of the situation, I should fail in my duty to the State—and not less, I believe, to the best interests of the party which has conferred so distinguished an honor upon me--to do otherwise. I accept a duty not less distasteful to my feelings in calling attention to matters pertaining to an independent branch of the government.

The last General Assembly indulged itself in the utterly indefensible extravagance of 204 clerks and assistants. This

was a damnable outrage upon the people. If it was intended for partisan effect, its wisdom has been fully demonstrated. It was not only an evil in itself, but it opened the door to many other evils. Such a useless body of parasites is a standing menace to legislative honor. With the eye of a fearless press upon public affairs, such wrongs must always be followed by swift retribution.

I will now invite your attention to the reports of the Auditor and Treasurer.

CONDITION OF THE TREASURY.

The balance in the treasury at the close of the last fiscal term, November 30, 1884, in cash and securities, was $513,135.61; there were received from all sources during the two years ending November 30, 1886, the sum of $1,837,395.24, making a total of $2,350,530.85. The total disbursements from the treasury for this period were $1,515,951.80, leaving a balance at the close of business, November 30, 1886, in cash and securities, $834,579.05.

THE PENITENTIARY.

The last General Assembly appropriated for the support of the Penitentiary for the two years the sum of $240,000, $190,000 direct from the treasury and $50,000 from the prospective earnings of the institution.

The total cost of maintaining the prison, including betterments and every description of charge, has been $269,036.22. Total earnings, exclusive of prison labor on real estate, $70,067.28, showing an increase over the previous term of $19,661.45. The total net charge above earning, $198,968.94. The $5,000 appropriated for shops has not been expended.

The number of convicts, November 30, 1884	372
The number of convicts, November 30, 1886	298
Greatest number at any time	409
Smallest number at any time	284
Average for the whole term	356

Total number discharged:

By expiration of sentence	219
By order of court	63
By habeas corpus	43
By pardon	39
By transfer to Insane Asylum	8
By escape—not recaptured	10
By death	7

Making, with the 298 held November 30, 1886, a total of 682 different convicts incarcerated during the term of two years.

This is an appalling showing for a State of our population. But it may be traced to natural causes, that do not reflect upon the general body of our people. The criminal classes drift out from the East to escape prosecution at home, under the impression, probably, that the enforcement of the laws is more lax here than in older States, an error of information which is soon corrected to their sorrow.

The average cost per day of feeding prisoners was $0.179, being $0.016 less than before. The total average daily cost of maintaining each prisoner was $0.673, being $0.019 less than heretofore.

The sanitary condition of the prison is unsurpassed, and the death rate is by far the lowest in the world, being but one and four-tenths to the thousand, from natural causes.

The reports of both the warden and the chaplain will be found interesting and instructive. Both have taken a lively interest in the mental and moral improvement of the convicts, and, I think, the reformatory tone of the institution has been much increased by their efforts. A very commendable interest has also been manifested by pious people throughout the State in the spiritual welfare of the convicts. Though the increase of earnings has no direct connection with this fact, it is just as well to bear in mind that the contrary effect has not been produced.

The cost of maintaining this institution continues to be the most important item of expense among the accounts of the State. It merges closely upon $100,000 a year, and lacks but a trifle of the total cost for salaries of both the administrative and judicial departments of the government. That the people should be relieved from this onerous burden is beyond discussion. How that relief may be best secured remains for the wisdom of your honorable body to determine. Any proposition to farm out the labor of the convicts cannot be entertained. The honor of the State forbids it. The civilization of the State would revolt against it. The people of Colorado are not ready to embrace a public shame in order to escape taxation. The disgraceful disclosures of barbarous brutality where the system has been tried in the Sourthern States, are known to our people, and would leave us without even the poor excuse of ignorance in attempting such a shameful experiment in our proud and enlightened commonwealth. Nor should any line of enterprise be considered that will interfere with the profits of honest labor. Nothing of the kind is necessary. There are no tanneries, no wooden factories, no shoe factories, no harness factories within the State. These, with the lime business, furnish ample scope for the profitable employment of the convict labor if it be wisely handled. There are certain classes of public work also in which their employment would seem to be unobjectionable—work not requiring skilled labor. The honorable Board of Commissioners recommends the making of two large irrigating ditches, one on either side of the Arkansas and beginning at the Grand Cañon The proposition seems to me worthy of your consideration.

The estimates submitted by the Board for the current term aggregate $265,000. In the present condition of the finances of the State, the estimates for a new residence for the warden should not be considered. The present residence, though not spacious, is one of the most convenient and beautiful in Cañon.

The other estimates can probably be reduced from 5 to 10 per cent. with safety. The estimates for maintenance are based on the care of 425 convicts, an average which is not likely to be reached. The recommendation to purchase a quarter section of coal land meets my unqualified approval. It would save its cost to the State in a single term.

The question of putting in an electric light plant and an independent water plant should not be discarded without careful consideration. Both would, in the long run, unquestionably effect a considerable saving. The profits of the lime business will, doubtless, be considerably increased during the current term, but even with this the direct appropriation needed will be large, and the State must be protected from financial embarrassment. A broad policy will in the end prove the most economical, and the question is only one of present resources. I recommend that, for the first half of the term, a conservative course be observed in expenditures. The increase of revenue arising from the readjusted valuations of the State will allow a more liberal policy in the future without embarrassment. The purchase of a garden for the prison, however, should not be delayed. It will be a saving from the start, and will contribute directly and materially to the welfare of the institution at a small outlay of cash.

The discipline of the institution should receive your attention. I recommend that the use of the hose and the rack be expressly prohibited by law; their use is not only inhuman, but it is also unconstitutional, and the present management has demonstrated that they are entirely unnecessary to discipline. There have, in the past, been some shocking abuses of this "cruel and unusual" mode of subduing refractory convicts in our prison.

We have a very unusual proportion of life convicts in our prison. I beg to call your attention to these. They are denied the good-time privilege extended to all other

class of convicts. Experience proves that there is a strong tendency among life prisoners, when not buoyed up by the hope of pardon, to sink into dementia and other forms of insanity. I recommend that the good-time privilege be extended to life prisoners as to others, and that the scope of the law be made retrospective and the term of life calculated upon the expectancy of the American actuaries' table. I am of the opinion that no human being should be condemned to live entirely without hope. Criminals deserving the extreme penalty should be executed; but whoever is entitled to life should be entitled to hope as well. The reformatory policy of the penitentiary would be greatly promoted by classifying convicts according to their moral condition, and the courts should be required to ascertain and certify that condition to the warden. Providence has strongly linked the selfish interests of mankind with the exercise of a wise humanity toward the erring. Thus it is demonstrable that the cost of prison maintenance has steadily decreased with the progress of prison reforms.

The voluminous and exhaustive report of the honorable board of commissioners is transmitted herewith.

LAND COMMISSIONERS.

The Board of Land Commissioners consists of the Governor, Secretary of State, Attorney General and Superintendent of Public Instruction, with a secretary, who is *ex officio* the Immigration Agent of the State.

Few people in the State, I think, are aware of the momentous interests committed to the care of this Board. It has the supervision of 421,170 acres of land owned by the State, which was donated by the nation for internal improvement, support of the Agricultural College, the University, the Penitentiary, the erection of public buildings and to encourage the manufacture of salt. In addition to this, it has the supervision of lands donated for the support

of the public schools. There remain now in the possession of the State 295,228 acres of public improvement lands; 23,434 of the Penitentiary lands; 19,040 of the University; 11,678 of the public buildings; 18,688 of the saline, and and 53,106 of the Agricultural College. There have been sold during two years ending November 30, 1886, of the public school lands, 5,773 acres; internal improvement, 5,452 acres and 59 city lots; Penitentiary, 130 acres; University, 1,160 acres, and public buildings, 320 acres.

The total amount received for sales was $291,257.89. The price per acre has ranged from $2.50 to $60. The sums realized to the various funds were: To the public schools, $57,350; internal improvement, $59,260; University, $12,-324; Penitentiary, $1,657; public buildings, $7,244; saline, $376. The public lands are leased as well as sold. The income to the various funds from leases were: Public schools, $109,545; internal improvements, $32,211; University, $4,538; Penitentiary, $1,727; public buildings, $2,619; Agricultural College, $280; saline, $1,221. There were issued during the two years, 1,397 leases to school lands and 179 leases to other lands.

The total number of leases in force are 2,150, which cover 1,221,136 acres of land and return an annual rental of $71,098. This summary will show how onerous the duties of the Board and secretary have been.

The interests of the State require that careful attention should be given to the affairs of this office. If they were suffered to become entangled, great loss will result.

There is pressing need of clerical aid in the office, and the Board should be authorized to procure such assistance as may from time to time be needed. The magnitude of the interests involved being shown, it will not be necessary, I believe, to weary you with details in order to secure your attention to the subject.

SECRETARY OF STATE.

Owing to delay in its preparation, the report of the honorable Secretary of State has only reached me in the form of a brief summary. I am assured, however, that it will be ready to transmit to you at the opening of the session. It shows the very gratifying feature of an important surplus over the expenses of the office from its legal revenues. This is the result of the law enacted by the last Legislature increasing the charges for recording certificates of incorporation from $2.50 to $10 with 10 cents added for every $1,000 over $100,000.

The constitutionality of the last clause has been attacked by the Denver and Rio Grande Railway Company which paid the charge, amounting to $8,000, on its reorganization last summer, under protest.

The recommendation of the Honorable Secretary that this law be revised to harmonize with the Constitution, should receive your immediate attention.

During the last two years 802 corporations have filed their certificates in the office. These nominally represent a capital of $361,000,000, the Denver and Rio Grande railway alone representing $78,500,000 of the sum. It is incredible that the legitimate course of business can be healthfully promoted by any such inflated capitalization. There must be humbug, if not downright rascality, behind such a pretentious array of figures. It represents three times the total valuation of the State. I therefore recommend that you guard the good name of Colorado against a reputation for bombastical finances by considerably increasing the charge for every thousand dollars above one hundred thousand. This will make bogus schemers pause before they lift the flood-gates; and honest enterprises can better afford to pay the tax than court disaster amidst the howling confluctions of fraud.

I recommend, also, that the law governing this department be so revised that the printing, renting and furnishing of supplies, now committed to the Secretary alone, be done by a commission consisting of the Governor, the Secretary and the Attorney General.

ATTORNEY GENERAL'S REPORT.

The report of the Honorable Attorney General will be transmitted herewith.

Being the first extended and formal report ever made of the affairs of the office, it inaugurates a custom which I think should be continued by requirement of law. The duties of the department, already of great public importance, will continue to increase, and the people have the right to be regularly informed of the way those affairs are conducted.

It affords me gracious pleasure to publicly acknowledge the industry, intelligence and close devotion to public duty which the Honorable Attorney General has brought to the administration of this important arm of the government.

It never can be amiss to acknowledge the faithful performance of duty by a public servant. The department has been brought to a plane of usefulness and dignity second to none, and if it be necessary to increase the salary to sustain it upon that plane, it should be done. With the high personal character and good legal talent in that department, the State will be protected from many sources of confusion and loss.

The recommendations which the report contains should receive your attention.

PUBLIC SCHOOLS.

It affords me pleasure to invite your attention to a matter that from the pioneer days has been the subject of watchfulness and pride to the people of this State—the public schools.

The report of the Honorable Superintendent of Instruction is submitted herewith. It will, I believe, afford your honorable body a sense of profound satisfaction. If any pride is justifiable, it is the pride which the citizens of a new and insulated State like ours must feel that throughout the whole extent of their sovereignty the means of education are afforded to the rich and poor impartially, with a bountiful liberality nowhere exceeded and only equaled in a few favored localities in the world. I count it my greatest honor to be chosen chief magistrate of a people who make the school house and not the armory the palladium of their liberties; as to you, gentlemen of the Assembly, it is no doubt equally a source of pride that such a people have delegated to you, for a time, their sovereign powers of legislation, and confided to their watchful care the guardianship of that palladium. The schools of Denver are to-day equal to the best in the world—equal to those of Boston, Paris or Berlin. There is no science, no language, no art taught upon the face of the earth which may not be studied under masters to-day in the capital of our State. It is the Athens of the plains, with the glory of Athens, let us trust, before it. Everywhere throughout the State there is an eager and intelligent interest in the public schools, and there are special features in some of the other schools even superior to those of Denver. In Pueblo, I understand, that they pay the highest salaries to the primary teachers. This is as it should be. It is only the highest order of intellect (though not necessarily the highest degree of education) to which primary instruction can safely be committed.

The value of school property in this State is nearly $2,500,000, an increase of 300 per cent. in five years. This proportion would give New York, with a school population twenty-five times as great as ours, a school property valuation of over $60,000,000—it is but about half of that. It

would give Illinois over $40,000,000; it is about $16,000,000. It would give Pennsylvania nearly $60,000,000; it is less than half of that. It would give Ohio nearly $50,000,000; it has about $22,000,000. It would give the mother of the common school system, Massachusetts, $20,000,000, and she has, with all her centuries of accumulated wealth, but about 10 per cent. more than that.

We pay teachers an average salary almost double that of Pennsylvania, about 50 per cent. greater than New York, over 50 per cent. greater than Illinois or Ohio, and only the fraction of a dollar less than Massachusetts. We do not pay them too much. The salary of teachers should be maintained.

We have doubled the number of teachers in five years. We have not quite doubled our school enrollment, but the average attendance shows a gratifying percentage of increase. Our school receipts have more than doubled in the same period, and likewise our expenditures. The proportionate receipts and expenditures of New York, Pennsylvania, Ohio, Illinois and Massachusetts are only about half as great as ours.

It will be a matter of just pride to our people to find the youngest State in the Union able to place her public schools in so favorable a comparison with those of the oldest, the wealthiest, the most populous and enlightened divisions of the Nation. May it ever remain so.

I earnestly advise you to enact a compulsory school law. We may not be able to enforce it everywhere at once but it will be a standard, and gradually the whole public sentiment will rise to it. I regard it as an imperative necessity.

We are not getting the full value of our money at present. The average daily attendance is only about 60 per cent. of the total enrollment.

We have the buildings and the teachers and it will cost no more to educate all than to educate a part of the children of this State. Those whose money is taken for the support of this expensive system of public instruction have the right to demand results, and the results can never be commensurate with the care and cost, while the shiftless and ignorant poor, and the proud and ignorant and rich, are suffered to cripple the minds of their children and bring them up to the threshhold of citizenship unprepared for the duties of the citizen. It is a matter in which the rights of all are greater than the rights of any. To society it is a question of its own future security; to the State, an act of self defense in the perpetuation of its own existence. Your duty will be fulfilled by the enactment of the law; it will be the province of the executive to look after its enforcement.

I recommend you to so revise the school law that the district shall furnish the text books for the legal course at public expense, and so that the superintendent may withhold, at his discretion its portion of the public funds from any county not holding teachers' institutes at regular intervals. The need for regular training schools for teachers is not pressing; but I recommend you to prepare for the future by encouraging the formation of a special class for the instruction of teachers during the winter months in the high schools at several points in the State, authorizing the Superintendent of Public Instruction to establish the course of training. It would be well also to give more energetic encouragement to the formation of school libraries, the State acting with the districts in the matter.

MUTE AND BLIND INSTITUTE.

In the contemplation of the law, the institution for the education of the mute and blind is only a special branch of our common school system.

The report of the commissioners is submitted with that of the Superintendent of Public Instruction. It shows a deficit of nearly $9,000, which occurred under the last administration, and which the present administration has not been able to reduce. The general condition of the accounts for the current biennial term will be found exceedingly satisfactory. The school is ably fulfilling its humane mission, and the present management is both energetic and economical, and under the wise and able supervision of Dr. Dudley, work is doing among the children that will give the institution a prominent, if not a foremost rank among institutions of its kind.

THE INDUSTRIAL SCHOOL.

In submitting to your honorable body the report of the State Industrial school, in connection with that of the Honorable Superintendent of Public Instruction, I add my cordial approval to the recommendation of the board of control that a farm be provided for the institution. I am of the opinion, however, that suitable land under water could be obtained in the vicinity at a reasonable cost, without incurring the great expense of moving the buildings from their present healthful site, or building others in their stead. If the proposition approve itself to your judgment, the land should be secured without delay. A judicious expenditure in this direction would furnish congenial labor to the children in the healthful sunshine during the summer months, without interrupting the present plan of giving them the elements of mechanical training. In the production of fruit and vegetables their labor would contribute directly to their own support, and in time, no doubt, render the institution nearly or quite self-sustaining.

While I have much satisfaction in approving to you the general condition, financial and otherwise, of this institution,

under my administration, I feel constrained to direct your attention to some of the items of the expense account in the report submitted. The estimates for appropriations submitted to the last Legislature, by the board of control, were based on the care of 150 pupils in constant attendance, and called for $83,790, distributed as follows:

150 pupils at 30 cents per day	$ 35,040
Officers salaries and expenses of trustees	15,250
Fuel and lights	2,250
Repairs and improvements	10,000
Waterworks and library	1,250
	$ 63,790
To meet existing deficiencies	20,000
Total	$ 83,790

The sum of $70,000 was appropriated, and the present report shows that after paying the deficiency there remained but $39,313.31 to carry the school through the current term of two years, beginning May 1, 1885. This fund has been rendered sufficient only by curtailing the usefulness of the school in the line of its benificent design. This is a matter greatly to be regretted, but the report does not enable me to inform you to what extent the humane intentions of the State have suffered.

The last estimates were based on 150 pupils. The number carried this term has been only 90; but nothing in the report shows how many were dismissed or refused admittance for want of funds. I recommend you to call for a supplementary report on this and such other matters as you may deem necessary to an intelligent understanding of the needs of the school.

The expenses of the institution are undoubtedly too high, but an examination of the expense account in the present report will disclose where many important economies may be inaugurated.

In the account submitted you will find the following items of expense:

Fuel and lights	$ 2,952 32
Laundry expenses	583 88
Postage and telegrams	384 81
Office stationery and printing	651 33

It will be pertinent to inquire what occasioned an increase of over $700 for cost of fuel and lights over the estimate submitted to the last Legislature. In an institution of this kind I am unable to discover any necessity for an expense of $583.88 in the laundry, and it is incredible to my mind that so large a sum as $384 81 could be required for postage and telegrams. I can see no sufficient reason for using the telegraph at all, and the above sum invested in postage stamps represents over 19,000 letters.

It is also preposterous to suppose that there has not been reprehensible extravagance in the item of $651.33 for stationery and printing. I direct your attention to these not because I think there has been evil-doing, but to the end that you may satisfy yourselves as to the economy or extravagance of your servants, and hold them to a strict accountability.

The item of $645.97 carried to the loss account discloses a reprehensible system of credits in marketing the manufactures of the school. I advise you to establish the cash system.

There seems to be a disposition to abandon their bone-ash industry. As a matter of sound policy this should not be permitted till it has paid all cost of the original plant, with interest, and returned the same to the treasury, and so likewise of all experiments of such a nature in our other public institutions, to discourage ill-considered projects at the expense of the State. I cannot approve the request for a further appropriation of $250 for books. The 600 and odd volumes already in the library should, in my judgment, be abundantly sufficient. But a system of exchange with the libraries of other public institutions should be author-

ized. I cordially recommend, however, an appropriation for illustrated and humorous weekly papers, as tending to relieve the school of a dangerous atmosphere of monotony and gloom.

Without losing sight of its essentially correctional nature, I urge upon you to throw open the doors of this institution to the widest usefulness of its humane design. I urge to make it a home, with all the sweet and restraining influences that the name implies, to the vagrant and erring children of the State. I urge this upon you in the name of Christ, in the name of all mis-directed and erring children, in the selfish interest of our own future security. I would have you make this institution a light on the mountains, a hope to the straying, a pride to the State, and under wise and liberal management I believe all this can be done, while making the school nearly or quite self-sustaining. But it is only for the children that I solicit your generous consideration, your watchful tenderness. It is absolutely essential to the success of all our public institutions that you hold the management to the most rigorous accountability. These institutions are not the creation of a party, and no partisan bias should be allowed to influence your relation to them. Whenever you are not entirely satisfied with their reports you should call for supplementary information, or order an investigation. On the whole I am by no means displeased with the management of this institution under my administration. But I do not find the report as satisfactory as I could wish. It should have contained some definite recommendations, drawn from intelligent experience, to guide your actions. I have no doubt, however, that the fear of seeming officious has restrained the management in this regard.

It is important to know to what extent the tendencies to an evil life are transmitted from parent to child. The statistics of the school should demonstrate this, and undoubt-

edly would if carefully collected for a long period, and thus furnish a scientific basis for legislation on the question.

It is very important to the influence of the school that the present system of commitment should be changed.

In sound reformatory policy all commitments to an institution of this character should be indeterminate, majority being the only period. The management will be the best judges of the period when the desired reformation has been achieved, and should be fully authorized at such time to discharge the pupil. I consider the present system of brief determinate sentences very dangerous.

The excursion to the reform school under a brief, determinate sentence, furnishes to many of the pupils only a variation of the monotony of vagrancy and temptation rather agreeable than otherwise.

The statistics of the school should show, which they do not, the whole cost of commitment and care of each pupil. Such knowledge, I beg to reiterate, is necessary to form the basis of intelligent legislation on the question.

This school, it should be remembered, is the only place in the world that bears to many neglected and tempted children anything of the sacred semblance of a home, and I commend it particularly to your tender and watchful care.

THE SCHOOL OF MINES.

It affords me unalloyed pleasure to invite your attention to the prosperous and greatly improved condition of the State School of Mines, as indicated by the report herewith submitted.

This institution, like the Agricultural College, is so closely identified with the material development of the State that its prosperity must always be a matter of solicitude and interest to the Legislature.

The faculty, as the report will show, have displayed a most commendable spirit of professional zeal in undertaking original researches on the geology of the State, which will tend directly to the development of our inexhaustible mineral resources. I commend the spirit displayed to your generous encouragement.

It occurs to me in this connection that if, in the winter months, a system of miners' institutes, similar in design to the farmers' institutes, were organized under the direction of the faculty in the mining camps throughout the State, much valuable information might be elicited. If the idea approve itself to your judgment, you should authorize the publication, under the direction of the faculty, of all valuable papers read at such institutes.

The personal observations of the large body of intelligent and specially educated men engaged about our mines, are certainly worthy of preservation, and would soon constitute a most exhaustive and valuable physical history of the State.

Other States have spent and are spending hundreds of thousands for geological surveys, and I think better and more practical results would follow an energetic trial of the system suggested, at a very trifling cost to our treasury. I want to see the sturdy miners of Colorado rooted to the soil as completely as the farmers; and if every intelligent miner in the State is drawn into this scheme of mutual interchange of experience, and encouraged to record his observations, with the hope of contributing a valuable page to a valuable history, the diffusion of such knowledge, I cannot but think, will result in a direct benefit to all ambitious, practical miners and prospectors. It would also encourage the habit of co-operative effort for business purposes, and tend to make united intelligence take the place of capital in the development of mining property. Big mines make a few men rich, but it is the small mines,

operated by their owners, that will constitute the wealth of the State and attach our mining population firmly to the country.

Again, in so far as the element of chance is removed from mining enterprise by more perfect knowledge of our geology, capital will seek it as a regular investment, and the public revenues will be increased.

THE UNIVERSITY.

The report of the Board of Regents of the State University is embraced in that of the Superintendent of Public Instruction, submitted.

There is a general and well-founded feeling throughout the State that this institution is disappointing the expectations of its founders. It is supported by a dedicated tax of one-fifth of one mill on all the property in the State, which produces an income of about $22,000, and by a noble endowment of lands from the nation, which largely increases its resources. It has an excellent faculty of able and earnest instructors; its funds are ample for its needs, and yet it lacks somewhere the vitalizing energy that insures success.

It is situated in a locality noted, even in Colorado, for the mildness and salubrity of its climate, and is surrounded by a community of more than usual intelligence, who manifest a strong local pride in it and high appreciation of the advantages it affords. The tuition is free, and yet it is a disappointment. The reason, I think, is obvious—the advantages it offers are not generally understood. What it lacks principally is students. There are but ten counties, besides the one in which it is situated, represented on its roll, and these ten by fourteen scholars. The county in which it is situated sends 100 scholars, and other States and Territories eighteen. This is a deplorable showing. The

school should have five hundred students. Some action should be taken to increase its usefulness. It needs vitalizing. How can this be affected? It possesses all the elements of a noble institution of learning, that should reflect glory upon our State. It appears to me to be top-heavy—to have more brains than business about it. It should be advertised and popularized. Giving full weight to the consideration that it is only undergoing the experience of all institutions of learning in young States, the result is none the less disappointing and deplorable. Situated in the midst of the grandest scenery on the continent, in the brightest and most healthful of climates, with charges reduced to the minimum, it should not only receive the patronage of our own people, but be able to secure a large number of students from abroad, especially students in delicate health, from the malarious regions of the East, who would grow up to robust manhood under the influence of our bracing and salubrious climate, and remain among us to become pillars of the State.

In the contemplation of the law, the University is the apex of our common school system, and I am unable to discover any sufficient reason why it should not participate in the proud and pre-eminent prosperity of that system, and reflect a scholarly influence over the whole State. It is not difficult to find good and sufficient excuses for the past. But excuses should not be allowed to suffice for the future. They will do us no good; they will not make the institution great and useful. We must have results. The people should be interested; the school should be advertised; the County Superintendents should be urged to put forth an earnest effort to fill it with students; the management should be vitalized, and by some means filled with that spirit of confident energy so characteristic of our people. I am deeply solicitous for the welfare of this institution, and I commend it to your earnest and thoughtful care.

AGRICULTURAL COLLEGE.

Like our excellent School of Mines the Agricultural College is in a flourishing condition of usefulness.

Its report is submitted with that of the Honorable Superintendent of Public Instruction. It should be borne in mind that all our institutions of learning are very young and will particularly need the fostering care of the Legislature while so large a part of their regular income has to be expended for libraries and apparatus—things in the nature of permanent improvements.

The day is not distant, however, when the dedicated revenues will amply support them. Looking to the future, I think it would be wise to establish branch farms and schools—of a simpler nature of course than the college—in the Arkansas valley and the Western reserve. There must naturally be many problems of soil and climate in so great a territory as ours, that require careful study. It is understood that a bill is before Congress now which contemplates very important aid to this class of schools.

I think it would be well to memorialize Congress in favor of the measure.

The immense increase of our agricultural wealth, as shown by the semi-decimal census, will justify every effort to foster and encourage the filling up of our great tracts of agricultural land in the south and west with prosperous and substantial homes.

Wherever the local authorities will establish experimental farms, they should receive encouragement. The branch fish propagating establishments, suggested by the Commissioner, might be managed in connection with such farms at trifling cost. Placed under the general direction of the Agricultural College, I am of the opinion that such

branch stations, once established, would be more than self-sustaining, while their good influence is beyond question.

This agricultural school, not less than the School of Mines, represents a vast, material interest in the State—an interest which should be fostered by every care within the power of the General Assembly to bestow. It is a sentient and energetic instrumentality of good. Its influence goes not less directly to increase the intelligence than to swell the wealth of the State. To cripple either of these schools by unwise parsimony, would be to plug the remote fountain of public revenue in a blind desire to protect the treasury. Our agricultural school, though one of the youngest, is already one of the foremost in the country. Its methods are so energetic and exemplary, that they have been made the pattern for the government of Japan, and also for some of our own States.

I cannot too strongly urge you to foster that line of industrial education which tends to develop the great natural resources of our State.

COMISSIONER OF MINES.

The report of the Honorable Commissioner of Mines contains many valuable suggestions for your consideration. There are many ways in which the usefulness of this office could be increased, if the Commissioner were invested with more authority and furnished with clerical aid.

The relations between employer and employé in the coal mines are particularly liable to disturbance, and the public is always directly affected thereby. I recommend that the law be so revised as to make it the duty of the Commissioner to collect regularly all the statistics of coal mines that may contribute to a clear understanding of the relations of capital and labor in that business, with a view to the prompt, just and intelligent settlement of difficulties

when they arise. The Commissioner might also be clothed with the power to enforce a prompt arbitration of differences when they occur. Your wisdom will doubtless enable you to provide a practical measure to this end, and I will therefore beg leave to suggest only that it should be as simple as possible, so that the subject may not further be entangled in a net of uncertain and futile laws. It might be well to provide that where either side is unwilling to accept the arbitration of the Commissioner, he should have authority to call to his aid two other responsible arbitrators, and that the decision should be final for a specified period, and become a matter of record in the office of the Secretary of State. The government is always liable at any time to be called upon to enforce order in such cases, and should have the fullest information at hand for its guidance. The price and supply of coal is as much a matter of public concern as the price and supply of water, and it should be brought as completely under public control. I approve the recommendation of the Honorable Commissioner that double connections on trucks be rendered obligatory, and also the prompt suppression of gob fires as set forth in the diagrams accompanying the report. It has come to my personal knowledge that valuable lives have been lost in the mines by the breaking of truck connectings, and I recommend that the most watchful vigilance be assumed by the law over the dangers that surround this occupation.

THE DAIRY COMMISSION.

I submit the report of the State Dairy Commission with the recommendation that the Commission be abolished forthwith. I think the very able and conscientious report of the Honorable Commissioner proves that its usefulness will no longer be commensurate with its cost. He shows conclusively that to render the law operative it must be brought into harmony with the Constitution, and that to

give it an energetic vitality will require an organized corps of spies. I should feel bound to withhold the executive consent from any measure which in the regular and ordinary course of its operation debauches public morality by establishing the spy system—a system alien in its nature to the spirit of American institutions. In a government like ours all laws that are really necessary must derive their force from the operation of public sentiment. A perfect government can only exist in a perfect world, and I think it better to suffer many ills rather than establish the detective system as a branch of government.

I feel a personal interest in the dairy industry, and desire to see it fostered, but not at the expense of public morality.

The manufacture of oleomargarine is only an illegitimate enterprise to the extent of its false pretenses. The product is shown to be perfectly healthful. The law requiring notice of its use to be posted in dining rooms is an offensive intrusion upon private rights, and only leads to a multitudinous flood of perjuries breaking down public esteem for the sanctity of the oath. The General Government has, since our law was enacted, brought the industry under energetic supervision, and by following the line of that law we can impose whatever additional tax may be deemed necessary very simply and effectually, as is done in the liquor traffic. It might be well to make the marketing of the product without a distinguishing sign an indictable offense, as for obtaining money under false pretenses. This would give the dairy interest all the protection that should be asked. The Commission should be abolished and the remainder of the law revised.

THE INSANE ASYLUM.

The report from the Commissioners of the State Insane Asylum is herewith submitted. It will prove an interesting and suggestive paper. Though it bears the always dis-

agreeable feature of a deficit, and requests an increased appropriation, it will be found, I think, otherwise extremely gratifying to the benevolent sentiment of the State. The present term begun with a deficit. That deficit has been considerably increased, but not, I think, through extravagance in expenditures. The number cared for has been increased, and this has entailed additional expense.

It seems to have been the intention of the law to clothe the trustees with a certain measure of executive discretion to provide for such a contingency; and however embarrassing it may prove to meet with a deficit in their accounts, I am unable to see that any blame can attach to them as having exceeded a proper exercise of their legal authority, unless extravagance, incompetency or dishonesty be discovered in their management. While I discover nothing to criticize but much to commend, it is eminently proper that you should take every precaution to satisfy yourselves completely on these points before you make any appropriation for the relief and further maintenance of the institution. It would certainly have disappointed the will of the people and the benevolent intention of the law to have closed its doors against the increase of unfortunates whose maintenance has mostly occasioned the additional deficit. The total ruin of the garden by hail in 1885 was a loss of several thousand dollars that no human foresight could avert. Its great value is shown by the account of its bountiful production of 1886.

The main question to be asked in relation to this deficit is, has the increased usefulnes of the institutution justified it? I think it has, and therefore I approve to you most cordially the recommendation of the commissioners and the superintendent.

The results of Dr. Thombs' treatment are so marvelous and so gratifying as naturally to awaken inquiry. Over 61

per cent. of those treated are shown to have been cured and discharged. Nothing approaching this result can, I think, be shown by any similar institution in the world. Whether this is due to the rational treatment pursued by Dr. Thombs, to the mild and salubrious climate of Pueblo, or to the fact that the wise and generous policy of the State gathers under treatment a different and larger class of unfortunates than are usually found in similar institutions, is an interesting question; but in any case it is equally a matter of pride to the State, and I have much satisfaction in directing your attention to it.

FISH COMMISSIONER.

It affords me unqualified pleasure, gentlemen of the Assembly, to lay before you the clear, clean and able report of the State Fish Commissioner, General John Pierce. It is a valuable contribution to the science of fish culture, and to the practical methods of distributing and preserving fish in the public waters of the State. If the Honorable Commissioner displays some generous indignation at the lack of public sympathy with his work, I assure myself that you, as well as I do, share to some extent the same impatience, and rejoice to find a public servant so much an enthusiast as to sacrifice not only his ease and convenience, but also his salary, to the interest of the State. Such energy, intelligence and public devotion deserve encouragement, and it affords me a gracious pleasure, as the Chief Executive of the State, to make a public recognition of them in the name of the people.

The true instinct of the sportsman embraces something of the sentiment of the poet, and keeps the heart sensitive to the touch of nature. It is a spirit not confined to the rich nor to the poor, but abides generally among men of manly character.

It is clearly the wise intention of our game laws to foster such a spirit among the people, and if we feel some impatience at a seeming apathy to that beneficent intention, that impatience will be modified by the reflection that we are only in the infancy of statehood, and that a large portion of our population has hardly lived long enough upon the soil to feel entirely domesticated, and to acquire that home feeling that will gradually diffuse itself into a personal interest in the laws and institutions. Our population is of an exceedingly diversified origin, none more so, and as a matter of fact, it is too much to expect that such a population should be thoroughly conversant with so large a body of recent legislation as our statutes contain. I congratulate the Honorable Assembly on the fact that our laws, though sometimes ill-digested, are, on the whole, exceedingly good, and the fish laws of the State, though yet of little practical effect, are still excellent, and will become operative as soon as the public sentiment is aroused to enforce them. I shall offer you, presently, some suggestions in that regard.

The excellent report of General Pierce hints at a line of action that is no less practical because it happens to be somewhat sentimental—the stocking of our streams with fish, especially trout, with a view to encourage and increase the already important volume of tourist travel throughout our State, by rendering that travel especially interesting to sportsmen. I fully approve the idea. It was one of the great charms of the early life of the Colorado pioneers that our forests and streams abounded in the choicest game. I cannot doubt that it contributed much to attach the robust and adventurous population of the early days to the soil. It is a charm that has almost vanished, but in the matter of fish, at least, it may be fully and speedily restored by energetic action. The magnificent diversity of mountain scenery, the grand and measureless expanse of our plains, an

incomparable climate, a marvelous variety of medicinal springs, the magic wealth of our mines, a joyous, hopeful and singularly energetic population, all contribute to give us a soverignty of conditions unrivaled on the Western hemisphere.

With courage, intelligence and well tried endurance shall we leave anything undone to maintain that supremacy? Shall we, for the paltry outlay involved in the Honorable Commissioner's suggestion, neglect to restore and preserve a charm that contributed to attach so many of our first and best to the soil? a charm that will be to our sons what it was to their fathers, that will gratify the rich and provide for the poor, that will continue to attract an annual influx of many sportsmen who will spread the renown of our State abroad, and of the thousands of invalids and tourists that scatter themselves over our mountains and at our delightful watering places during the summer months, attach hundreds permanently to us by the delight it affords? The energy and intelligence of the people, the wisdom of your honorable body, alike forbid the thought.

I lay before you, with my unqualified approval, every recommendation of the Commissioner.

The man who could assassinate game with dynamite or poison it with drugs, is a brute by instinct, and should be made a felon by law. I advise you to amend the spy clause of the present law. The suspicion of doing a public duty for a reward, in my opinion, only serves to close the lips of honorable witnesses.

In its stead I beg to suggest some action that will encourage the formation of a game protective association in each county, which will put the law in operation, with authority to the Commissioner to refund expenses where conviction is secured.

I also think it best to establish the auxiliary hatcheries only in co-operation with the county commissioners of the county in which they may be placed. I see no reason why a dozen might not profitably be established it that way. We have over 5,000 miles of trout water in the State, and the condition of no citizen should, under such circumstances, be so miserable as to deprive him of the luxury of good fish, in season, for his table. Let all participate in this blessing and all unite to preserve it.

THE NATIONAL GUARD.

The report of the Adjutant General is herewith submitted, with my cordial and unqualified approval of all its recommendations and suggestions. To refer to them in detail would too much extend the limits of this message. But I take occasion to mention, with a sense of profound satisfaction, that the Colorado National Guard has, by the untiring and intelligent efforts of General Taylor, been brought to a condition of efficiency never befere attained by our citizen soldiery.

The whole time and attention of General Taylor has been given to the service, and the results are not less a source of public satisfaction than they may justly be the grounds of an honorable personal pride to the Adjutant General.

There seems to be a prevailing antipathy among county officers to the poll tax for the support of this branch of the service. If there is anything unjust in the law it should be abolished forthwith, if not, it should be vigorously enforced. Believing it to be entirely just, I have directed it to be enforced, but the time has been too short to secure its uniform observance without proceeding to very troublesome extremes, which I have continued to hope might be avoided. It would seem well to me for your honorable body, by resolution, to direct the Attorney General to bring suit against

the bonds of the county officers who have refused to levy this tax. Such an energetic notification would probably render the suits unnecessary for the future.

It is an unbearable injustice that this tax should be regularly collected in some counties, while in others the tax officers may with impunity assume to ignore it and make no levy.

The Treasury department should be authorized to pay the cost of calling out the troops for public defense, and charge the same to the county in which the service was rendered.

I beg to call your attention to the importance of completing at once the record of the Colorado volunteers who served in the civil war. This matter has been hitching and dragging from one session to another for twenty years, and to longer delay its completion would be a public discourtesy to many honorable and patriotic interests. A few hundred dollars will suffice now, if taken in hand before the work that has been done is lost. It should certainly be done at once. We owe it alike to the valor of the living and the honor of the dead.

FOREST COMMISSIONER.

The last Legislature created the office of Forest Commissioner, and by the authority of the law I conferrred the appointment on the Hon. Edgar T. Ensign. I lay his first report before you with feelings of grateful satisfaction. The document will be found both interesting and instructive. I perfectly approve the many intelligent and valuable suggestions of the Honorable Commissioner, and I beg to direct your attention especially to them. The office is without pay, and owes its efficiency to a most unselfish and commendable spirit of public devotion in the Honorable Commissioner.

He has found the means of awakening a spirit similar to his own among a large number of our most substantial and intelligent citizens, among whom are the Hon. W. N. Byers, Hon. Wilbur F. Stone, Hon. Moses Hallett, and many others. To the very valuable suggestion of Judge Hallett, that Congress be asked to donate to the State the tracts of timbered land lying about the heads of our streams for the preservation of the forests thereon, in the interest of irrigation, I beg leave to contribute the opinion that the interests of the State would be equally served if the timber alone were given into its control. If valuable mineral deposits happen to underlie the forest, the Government might be reluctant to relinquish its claims, and legal complications would arise in our possession of them. By possessing the right to the timber only, the State could preserve it in the interest alike of the mine and the farm, and having a closer knowledge of the requirements of both than the General Government, could better guard the public welfare in that connection.

A regard for the future of both the above important interests would suggest the expediency of immediate action on the question.

I recommend you to memoralize Congress to this end without delay.

Finally, gentlemen of the General Assemply, approaching as I am, the close of my official career, I beg your gracious leave to embrace the opportunity offered by this message, to acknowledge the kindly and helpful spirit in which I have been aided in the administration of the government by the officers associated with me in that distinguished trust. And through your honorable body, representing the sovereignty of the people, I desire to express to my fellow citizens the profound sense of gratitude and pride with which I received their commission to a service implying so honorable a confidence in my character.

To the discharge of that service I have brought abilities plain and unpretending indeed, but accompanied by a devotion of purpose without which I believe even the greatest abilities to be worse than worthless.

Retiring, as I presently shall, to the quiet paths of private life, I reverently invoke the blessing of God upon the deliberations of your honorable body, and fervently pray that the virtues and the intelligence which perpetuate liberty may continue to subsist and increase in our beloved commonwealth, to the end of the world.

TAXATION OF THE MINES.

The constitutional exemption of our mines from taxation having now expired, it becomes the duty of our honorable body to devise a method for distributing its fair share of the expense of government over this class of property.

That there can be any rational objection to the abstract proposition, I do not apprehend. The exemption in the beginning was an error. Its continuance would be a crime.

Exemption was an error because it defeated its own purpose, and instead of encouraging the development of properties already discovered, it simply encouraged capitalists to plaster the surface of the country with patents which it cost nothing to hold until the labor of others gave a value to their property. It thus gave the rich an advantage over the poor. There are, through the evil operation of the law, already many promising mineral districts in the State, practically undeveloped, where no chance remains for courage and energy, against the phlegmatic conservatism of money. To continue the exemption would be a crime, because it would knowingly perpetuate a wrong. Energy, courage and intelligence must not thus continue to be exasperated by the senile insensibility of wealth. But the

the subject is a delicate one, and should be approached with the caution of wisdom. Naturally the question is simple enough, but its practical solution will be found surrounded by many delicate considerations affecting the welfare of every interest in the State.

There exists in certain quarters, no doubt, some impatience that so lucrative an enterprise should have escaped its just share of the burdens of government for so long a period, but the law has been loyally accepted as final, and now it remains to be discovered if what has been so long enjoyed as a privilege will not be demanded as a right. I think it will not. I have been at much pains, through correspondence and otherwise, to discover the sentiments of active, practical mining men in various parts of the State, whose personal interests are most closely identified with the prosperity of this great branch of industry, and I feel perfectly warranted from my knowledge of their sentiments in conveying to you the assurance that an attempt to further exempt such property from its full and equitable share of the public burden would be regarded by them as the vainest and frothiest of demagoguery. But this sentiment, so worthy of the sturdy manliness of our mining population only eliminates from the problem one of its difficulties—the most troublesome one certainly—leaving yet so many delicate complications that I cannot but regard the question with a grave sense of solicitude. That the property should be taxed may be regarded as an accepted proposition. How that tax may be distributed over the whole volume of the property so that its weight may injure no part and allow no part to escape its just share of the burden, remains for the wisdom of your honorable body to determine. You will find your efforts in this direction restricted to some extent by the limitations of the Constitution. There is no danger from the general sentiment of the State, no danger whatever from the intention of the agricultural

class, for they are bound by their own selfish interest to do the most sensitive justice to this description of property. The burdens of the State will rest very lightly upon it. The danger is entirely local; it is with the counties.

Most of our mines are located in counties unsuited to agriculture, so that happily there can be no class division on the question. The experience of the past proves that the government of mining counties is more liable than others to fall into irresponsible hands, and it is a source of comfort in contemplating so grave a question to reflect that whatever ills the owners of this class of property may suffer, they will suffer from neglect to interest themselves in their public duties. Such a full and just valuation of the property of the State as the Constitution contemplates, if had, would undoubtedly reduce at once the rate of taxation for State purposes to 1-500 part of a dollar, and might, not improbably, reduce it very soon to the 1-1,000 part of a dollar. It is the local government that costs, and that is directly within the regulating power of the people. If they allow it to be burdensome, it is because they do not exercise their authority to render it more economical.

There appears to my mind to be some danger in allowing the counties full sweep in imposing taxes on this class of property, though, on the other hand, it may prove that the imperative duty of protecting their own interests will have the much to be desired result of compelling greater watchfulness over county affairs on the part of the intelligent class of citizens who will become liable for the tax. To fix the rate of taxation, it will probably be found that the Legislature lacks the authority; but to fix the limit is another question. I am of the opinion that it may be done.

The question will next arise as to how the tax may most conveniently be laid—on the property as real estate, on the net output, or on both conjointly. An output tax alone

would not seem to meet the full requirements of justice, and it has the sentimental disadvantage of seeming to be an income tax, though in reality it would be no more of an income tax than the manufacturer or the farmer pays on the net products of his business. To lay it upon the real estate only without prudent limitations would probably involve much irritation in fixing valuations on a class of property whose value is more or less speculative. I am advised that there has been successful precedents in other Western States and Territories of fixing a low uniform limit of taxation on all patented mines without regard to production, and then laying an additional tax on the net output. This has the appearance of being entirely fair in theory, and I am advised that in practical operation it has been found satisfactory. A tax will commonly be unpopular, not so much by the burden it imposes, as by the inquisitorial manner of its levy; and the inquisition involved in determining the "net" certainty has an unpleasant aspect. But so long as the manufacturer and the farmer must submit to it, the mine owner can not well claim exemption. Though individually I should rejoice to see the poor miner, struggling to develop his property, favored in the scheme of taxation, I fear that any effort in that direction would complicate the operation of the law beyond endurance, and generally it is not the poor man who tries to shirk his fair share of the public burden. It is furthermore to be considered that if the tax is equitably distributed over the whole volume of property, it will be too light to be irksome to any. As the law now stands the working miner pays more tax on the rude cabin that shelters him from the elements than is collected from the million dollar property in which he earns his bread.

I recommend the subject to your endeavors, not without solicitude, but with confidence that your wisdom will devise a law that will secure justice to all. In the enactment of

such a law it will afford me pleasure to co-operate cordially with you.

BOGUS MINING SCHEMES.

All the signs of the times indicate that the mining industry of the State is now entering upon a new and splendid era of solid prosperity, which will probably exceed, if it do not already exceed, anything known in our previous history. There seems yet to be nothing of a feverish nature about the revival. It has been a matter of long-growing confidence in the exhaustless nature of our prolific mineral resources and their sterling value as a legitimate investment for capital and energy. But it is too much to hope, in the light of past experience, that men who live by filching the fruits of honest toil, and gamble on the credulity of ignorance, will not swarm in before the tide is at its flood, and overwhelm us with a shoal of bogus mining schemes, to the final destruction of outside confidence in our foremost enterprise.

If in your wisdom you can devise a law that will forestall these bogus mining sharks and nip their nefarious schemes in the bud, it would meet my cordial approval.

There is no great likelihood that our own citizens, nor men of sound business sense anywhere, will be taken in by the promising blandishments of such bold rascality; but the poor and ignorant and reckless will, in the desperation of hope, be imposed upon, to the damage of our good name abroad, and the matter is worthy of serious attention.

MINING LITIGATION.

I think it well to invite your special attention to the great detriment our mining industry suffers from the uncertainty of the laws governing the rights of locators. Without opening the question of right or wrong in the matter, the voluminous record of expensive and exhausting litiga-

tion demonstrates the necessity of a revision and perfection of the law. Nature has surrounded the enterprise with innumerable uncertainties, and the ingenuity of man seems only to have multiplied them. It is no less the instinct of labor than of capital to shun litigation, and no enterprise can hope to engage either except at a disadvantage, while the development of any considerable value is sure to be followed by a ruinous law suit. It is not so much by the imperfection of a law that we are damaged as by the uncertainty of its application. In regard to the law of the mineral apex, I believe this uncertainty exists mainly if not entirely in Colorado. If it is remediable it should be remedied forthwith, for it is undoubtedly damaging the interests of the State. Though you have not the authority to legislate on the question, you possess the influence to promote such legislation, and if you are able to arrive at a measure that will bring certain relief, I advise you to urge its adoption by Congress, and request our delegation to support it. To this end it might be well to invite a convention of competent mining men to embody their views in a measure which you could formally endorse.

STATE ENGINEER.

The excellent and encouraging report of the State Engineer, containing several valuable recommendations, is submitted herewith.

The water laws of Colorado constitute almost the only original legislation upon our statutes; and, as a body, they are the best and most satisfactory we have. This is doubtless to be attributed to the fact that they grew naturally out of our necessities and experiences, and not from the vicious practice of *a priori* legislation, according to some theory of what might be useful under ideal conditions. They are not an experiment, but the result of experience. Though

admitted to be the best in the world, they are not perfect, and never will be till experience is exhausted. Enacted by the Legislature, of course, they were framed by the parties to be affected by their operation. My belief is, that if your honorable body will bring the same practice to bear on other legislation, the result will prove as satisfactory. I believe, for instance, that the best way to meet the great question of taxing the mines will be to invite a convention of those to be affected by the law, to frame it themselves. The conflicting interests will insure justice, and the law will go into operation by force of its own vitality, with no adverse public sentiment to encourage opposition to it.

In this connection I beg to renew my recommendation made to the last General Assembly that Congress be memorialized to make a grant of lands to the State to promote irrigation and facilitate the construction of reservoirs. It has been the traditional policy of the Government to donate to several States the swamp lands therein for purposes of like improvement, and I think if our delegation in Congress were requested to push the matter vigorously an important grant could be obtained to promote irrigation.

I recommend that the whole water-shed on each grand divide be constituted a single water district with supervisory authority lodged in the State Engineer to distribute the water equitably according to priority of rights. With this exception the present arrangements are excellent, and will not require to be disturbed. But to secure priority rights it is absolutely necessary that a single supervisory power over all the districts of each water-shed be lodged somewhere.

RAILROAD COMMISSIONER.

The first report of the Honorable Commissioner of Railroads was published and distributed early in the summer of 1886, and the second, which is now preparing, will be

transmitted to you as soon as provision is made for printing it. Such provision was not expressly made, though evidently intended by the law creating the office, and after counsel with the Attorney General, and other heads of departments, I deemed it important to give effect to the manifest intent of the law, by directing its publication, in order that the people might reap the benefits of the department and gain a fuller understanding of its purpose and usefulness.

Since such a voluminous body of statistical information can be of but little use in manuscript, I beg leave to advise you to provide for its regular and early publication.

There has been much vague dissatisfaction with the operation of this law, but I am of the opinion that it grew out of a misunderstanding of the scope of the law and the powers conferred on the Commissioner. That the provisions of the law are in the main wise and prudent cannot be doubted, and it is my judgment that the Honorable Commissioner has intelligently, industriously and discreetly endeavored to achieve the best results to the people from it. That there has been impatience under hardships over which the law gave him either a very restricted control or no control at all, is the fault of the law itself and not fairly chargeable to the administrative power. Imperfectly understanding the scope of the law, the people have been disappointed in securing radical measures of relief which the act does not contemplate. The measure is wisely conservative, but through the reluctance of complainants to do their own part as prosecutors, the full benefits of the law have not been had.

It was manifestly not the intention of the law that in specific cases of complaint the Commissioner should be at once prosecuting witness and judge.

The benefits of the act will increase as the people come

to understand that much of the power for relief is placed by law in their own hands.

That the law, by wise revision, may be rendered more useful, I do not doubt, but that it can ever relieve the people of their own part in its operation is out of the question. A lively and courageous public sentiment would make even the present law a powerful instrument for good. The railroads, I am bound to say, seem not to have faced the law with any factious opposition, but in a spirit of loyal obedience. They have generally given respectful attention, and I think, in most cases, compliance to the advisory counsels of the Commissioner. I am given to understand that there has been much general relief conceded. That hardships still remain is perhaps in the nature of human affairs. Where they are not irremediable, it will be the duty of your honorable body to provide relief. You will now have before you a valuable collection of statistics on which to base your action.

The railroads of Colorado represent an immense aggregation of capital. They need no favors and should be denied no justice. Like banks, they constitute in a certain sense, a public trust, and of this character they cannot divest themselves, nor be divested. They live by the public, and should live for the public. The enlightened people of this State desire that they should and, as a matter of fact, they do earn a good return on every honest dollar gone into their creation. The last report of the Commissioner will show that above betterments and every other description of expense, the railroads of this State earned last year three per cent. on a capital of $140,000,000. Their total earnings exceed $13,000,000. They earn about 20 per cent. net on their assessed valuation after paying $600,000 in taxes to the county and State government. They are doubtless well worth $125,000,000, although they are capitalized far beyond that amount. This over-capitalization is

an evil that entails many hardships on railroad management, but it is beyond legislative remedy at present. The railroads in this State, I beg to repeat, can and do earn a good return on every honest dollar gone into their construction and equipment. The collection and publication of the statistics of railroads not only enlightens the people, but must in the end directly promote the welfare of the roads

They will eventually be obliged to seek legislative relief against the evils of the pernicious system of over capitalization—evils which prevail throughout the whole country, contributing a feverish and dangerous element of excitement and uncertainty to all the financial relations of life. Regular and frequent publicity will tend to render the management of railroads as of banks, conservative. Therefore, whatever changes your wisdom may see fit to make in the present law, I earnestly recommend you to continue collecting and publishing all the statistics. The Honorable Commissioner's forthcoming report will contain some suggestions for improving the law that meet my approval. I recommend also that the full text of the law be published with each report for the convenience and enlightenment of the people.

PRIMARY ELECTIONS.

I beg to call your most earnest attention to the imperative necessity for a law to govern the conduct of primary elections. The matter is a grave one, and the forming of a good, simple, practical, easily enforced law is no doubt surrounded by many difficulties, but none, I trust, that your wisdom will find insurmountable. Even an imperfect law will be better than none, for it will erect a standard for the actions of men where now we have only chaos and corruption. The present loose and irresponsible methods of conducting primaries are an insupportable offense to the people of this State, and contribute more than all other

influences to break down the moral sense which must be relied upon to sustain the inviolable sanctity of the ballot.

The member or the party that successfully brings about the enactment of wise legislation on this important question will be entitled to the enduring gratitude of the people. I should be glad to exercise the executive power in promoting such legislation.

INDIANS.

I beg to invite your attention to the propriety of taking some action to secure the complete removal of the Indians from the territory of Colorado. While they are suffered to remain they will always constitute a source of uneasiness in the vicinity of their reservation. Their presence retards the development of one of the fairest portions of the State, and it is certain that their own interests will be as well served as ours by their speedy removal.

Though they may be changed they are not improved under their present conditions. No appreciable progress seems to have been made toward their civilization, and it has been found that their present reservation is not suited to the original scheme of settling them in severality on farms. The question of irrigation requiring as it does, something of the mechanical instinct which they utterly lack, hopelessly complicates the problem of making self-supporting farmers of them. Every right-minded citizen of the State must in sympathy deplore the necessity of removing them from the scenes to which they are attached by centuries of tradition, but the State's good, not less than a humane consideration for their own interests renders that necessity imperative. The proposition to remove them to Utah should not be countenanced. It is a miserable makeshift which will not effect its purpose toward them or toward our own citizens.

The Northern Utes were, years ago, removed to Utah, but though brought, to some extent, under the influence of civilization, they continue to harass the frontiersmen of our northwestern country with constant anxiety by their predatory excursions back to the scenes of their former life. Failing, under the changed condition of things, to find game, they are frequently compelled to kill the ranchmen's cattle for subsistence, and it is through a generous consideration among the people for the Indian view of such conduct, and a commendable patience with the annoyance of their presence, that actual warfare has been averted. In the southwest there has been no actual disturbance of the peace, I believe, for many months. But in the summer of 1885 the region adjoining the reservation was plunged into a brief reign of terror by an outbreak in which the lives of nine Indians and one white man were lost, and one worthy woman maimed for life and her home committed to the flames, while all the remote settlers of the Montezuma valley abandoned their homes and fled to the protection of the settlements. This event threatened, for a time, to involve the State in the expense of calling out the National Guard, but quiet was happily restored without such a necessity. I dispatched the Adjutant General and a member of the staff to the scene of disturbance, to advise me on the situation, and held a portion of the guard ready for quick movement if the circumstances seemed to demand it. They proved not to be such as in my judgment would warrant me in involving the State in so great an expense, and the movement of the National troops at Fort Lewis soon restored a sense of security. Without going into the question of blame in this matter, it is deemed sufficient to remind you that such a disturbance is likely at any time to recur while irresponsible savages, with indistinct ideas of property rights, remain in contiguity to property that must be so jealously guarded as horses and cattle.

The last Legislature memorialized Congress on this

question, and I recommend you to renew that petition, and in the interest of humanity suggest their removal to the Indian Territory.

The people of Colorado can never fail to feel a Christian interest in the original possessors of this beautiful Territory, but however reluctant these Southern Utes may be to go East, it is unquestionably the place for them, and they are not, in the changed conditions of the continent, the best judges of what will secure their own happiness.

CONSTITUTIONAL AMENDMENTS.

At the last general election there were submitted to the people, as previously provided for by law, amendments to several sections of the sixth article of our Constitution That article creates and covers the judicial department of the government.

The practical working of its provisions had, from causes which the fathers of the Constitution could not well have foreseen, been attended with serious inconveniences. The sudden and spasmodic increase of population in various parts of the State, remote and unsettled at the adoption of Constitution, which naturally follows new and important mineral discoveries, was evidently not within the contemplation of those who founded our judicial system. Though well calculated for a slow-growing population, it has been found too narrow and rigid for our conditions, and has undoubtedly occasioned serious loss and inconvenience to our people. Slow justice is only half justice. The operation of the laws should be swift, easy and certain. The rights of litigants are frequently entirely defeated by delay, and the irritation attending such delay serves to bring our judiciary into disrepute; but owing to the unlooked-for volume of litigation following our rapid growth in population and property interests, and the opening up of vast areas of new

territory, the calendars of our courts have been so crowded that such delay has been absolutely unavoidable.

The Supreme Court of the State is now fully two years behind with its work. It was to remedy this evil and some other inconveniences that the amendments were submitted. They were not all carried. Sections 1, 3, 5, 12, 14, 24 and 26 were submitted. Of these sections 5, 24 and 26 were defeated. Section 5, as submitted for amendment, reads: "The Supreme Court shall consist of three Judges, but the General Assembly may, by a vote of two-thirds of the members elected to each House, provide for additional Judges of such court, and for that purpose may change the terms of the Judges; *Provided*, That the total number of Judges shall never exceed five. A majority of the Judges shall be necessary to form a quorum or pronounce a decision."

I felt it at first to be a serious matter that this particular amendment was lost. But it seems to me now not unlikely that the full measure of its purpose may yet be reached in a wiser way.

Section first, as amended, reads as follows: "The judicial powers of the State as to matters of law and equity, except as in this Constitution otherwise provided, shall be vested in a Supreme Court, District Courts, County Courts, Justices of the Peace and such other courts as may be provided by law." It seems to be the opinion of some of the foremost members of the bar that the last clause will enable you to give such relief to the Supreme Court as will square up its delinquent business without involving the expense of a permanent increase in the number of the Judges. The Honorable Court is understood to be of the opinion that if once the delinquent business were cleared up, the present bench would be able for several years to come to keep well abreast of its work. I, therefore, beg

leave to submit for your consideration the idea of establishing a sufficiently numerous temporary commission to aid the court in clearing its dockets without unnecessary delay.

This, I understand, has been successfully done in Missouri and California. It is a question of grave responsibility, and should be canvassed with caution. Under a provision of the Constitution, you have a right to require the opinion of the Court on the construction of the revised section, and as the constitutionality of the view herein presented may be questioned, I take the liberty of advising you to do so before you proceed to legislate upon the subject.

That in a government of the people the laws should reflect the will of the people, is a proposition too generally accepted to require discussion. But, when the people bind themselves by an inflexible Constitution, it will frequently happen that the laws do not perfectly reflect their enlightened will.

It is so with us. Our Constitution, though in many respects an excellent one, does not enable legislation to respond with sufficient ease to the changeful condition of our wants. Two methods of alteration are provided in the instrument itself; one by the calling of a convention, with unlimited authority to submit amendments, the other by proposing amendments in the Legislature, where, if they pass both houses by a two-thirds majority, they shall be submitted to the people, after being published for three months in each county in the State. The discrimination which the people have shown in adopting or rejecting such amendments as have heretofore been submitted, demonstrates that the latter method is almost perfect in its wisdom. An examination of the vote on the various sections submitted will prove instructive to such as feel an interest in studying the question. It has the great advantage over the first method of familiarizing the people with the merits

of the Constitution by the publication required. A study of the vote will prove that these publications are not read, as might be supposed, by the lawyers alone, but by a large mass of the people, and that they are thereby enlightened. It is not only the best, but it is the least expensive method. Its usefulness, however, is restricted by the provision that only one article may be amended in this way at a time. There are now several articles in pressing need of amending to bring about a feeling of comfort in adjusting our laws to our needs. I therefore recommend that you provide at this session of your honorable body for submitting an amendment that will remove this restriction, at least temporarily and periodically, say from every fifth session of the Legislature, so that our legislation may hereafter be made to respond more perfectly to our conditions.

SOLDIERS' HOME.

I invite your attention to the question of procuring the establishment in Colorado of a home for disabled soldiers. If the matter were intelligently and vigorously brought to the attention of Congress, I am persuaded it could be achieved.

The renowned salubrity of our climate, the tonic and alterative effects of our altitude, our grand and diversified scenery, our pure air and our everlasting sunshine would all combine to make a change from the malarious atmosphere of lower altitudes beneficial to that most deserving class of invalids, whose disabilities and sufferings were sustained in the defense of our country. There can be no reasonable doubt that many of the men who are suffering from chronic complaints, that make their existence a prolonged misery, might be restored to perfect health by the alterative effects of a change to the climate of Colorado. To say nothing of the humanity of the question, nothing of the interminable debt of gratitude the nation owes to its preservers, the project

can be rendered attractive to Congress on a purely economical showing. To such a cause I persuade myself it is only necessary to invite your attention in order to assure action.

THE CENSUS.

The last Legislature provided for the taking of the semi-decimal census of the State under such restrictions as would secure the auxiliary fund in such cases donated by the General Government. I submit herewith the report of the Honorable Commissioner appointed under the law. Without reflecting on the efforts of the Honorable Commissioner, the report, I think, will prove disappointing to your hopes. It was taken under many disadvantages, the blanks furnished by the General Government proving unsuitable to some parts of the work in our State. When, as authorized by the law creating the Census Bureau, I drew my requisition on the Treasurer of the United States for the Government fund, it was found that the State was indebted to the General Government and the fund was credited against our account, so that no money was received.

Though defective, as pointed out in the report of the commissioner, in some important respects it will still be found interesting, not only for much valuable and accurate information which it does contain, but for some that it does not. The statistics of our great mining industry are too flagrantly inaccurate to be even misleading. They are simply useless.

Since your honorable body will doubtless at once order the publication of the report to facilitate the reapportionment of the State, which you will be required to make at this session, I will not extend this message by any summary of the results shown, except to say that they disclose a very rapid growth in wealth and population.

But in this connection I beg leave to urge your attention to the importance of continuing this bureau of statistics as a regular branch of the government. Practically it has expired, though apparently the law was intended to be permanent.

Statistics are the basis of the science of government, and legislation can never be anything but a bungling succession of experiments and expedients until legislators are regularly furnished with the data on which to establish remedies, revenues and expenditures. The results of a single census are almost valueless for such a purpose, and it is only after the statistics have been collected and collated for a considerable term of years that their scientific value to the legislator becomes obvious. Keeping this fact in view, I recommend as follows:

First—That a bureau of annual statistics be established with a Commissioner, whose terms shall be five years.

Second—That a census day be establish by law.

Third—That the Superintendent of Public Instruction, Commissioner of Railroads, Commissioner of Mines, the Auditor and such other officers as now have to do with the arrangement of statistics, be constituted an advisory board for the preparation of a rational and simple system of blanks, which blanks shall not be altered oftener than once in five years.

Fourth—That these blanks be furnished to the people regularly through the county assessors, to be filled out and sworn to on census day, and collected and returned by the assessors to the Commissioner of Statistics, to be by him brought together by counties and published annually in a year book, which shall contain such other information as may by the board be deemed advisable.

Fifth—That the members of the advisory board be sev-

erally required to review carefully the figures of which they have personal knowledge and testify to their accuracy. And that the Commissioner be under bond for the substantial accuracy of his own figures and the prompt and dutiful performance of his whole work.

In my opinion, the value of such a year book would immeasureably outweigh its cost, and tend to reduce the expense of government in other directions. The business reports of all the public institutions should be published in it and nowhere else, and it should be ready always to lay before the Legislature at its regular sessions.

I commend the subject to your thoughtful consideration.

LEGISLATION REQUIRED.

The public execution of criminals sentenced to death should be expressly prohibited by law. It is a barbarous and disgraceful practice, unworthy of a civilized State. It throws a transitory and debauching glamour of heroism about the solemn atonement for crime that shocks and outrages the public sense of propriety. I blush to relate to your honorable body that such an execution which I was powerless to prevent has taken place during my administration in this proud and enlightened capital, attended with every disgraceful and disgusting circumstance of publicity and barbarity, compared with which a bull fight would be an elevating scene. It was an insult to the dignity of the State. To suffer it to be repeated would be an outrage upon the public sense of decency. It is not the intention of the law to make the agonizing atonement of the condemned furnish forth an entertainment for the depraved. The execution should take place in seclusion, attended only by the executioner and a regularly impaneled jury.

Our divorce laws are too lax. The State regards marriage as a civil contract that may be dissolved like other

contracts under certain conditions. The practical operation of the present law opens too wide a door for fraud, and puts the bold front of business upon the most sacred relations of life. To the marriage contract there are three parties—the husband, the wife and the State. The rights of the last are too frequently ignored or lost sight of, but that the majesty of the State accompanies every bride and groom to the altar and there takes upon itself a responsibility not less binding, not less significant than their own, the volume of laws guarding and governing the relation will attest. The dissolution of the compact may perhaps well be allowed for a liberal range of clearly defined causes; but it should unquestionably be attended by all the publicity and solemnity necessary to protect all parties in interest from imposition and fraud.

It would seem to me wise and in consonance with the cheerful and progressive spirit of our country and the times to establish by law a laborers' holiday, and I therefore recommend that you do so.

Arbor day should be made a legal holiday. The beautiful custom of tree-planting originated, I believe, as a public observance, in Colorado, and it is meet that it should be honored in the home of its birth. It will always be argued against the multiplication of holidays that they interrupt the regular course of business. But that is an argument for as well as against. The pleasurable interruption of business is the point to be gained. We are living in an age of high mental and physical pressure, and it is well that the strain should be relieved by interruptions which sweeten and make joyous the course of life. Arbor day would, of necessity, occur in the spring, and if the laborer's holiday be fixed for early autumn, neither will closely follow any other established day of pleasure. I think their influence on the public heart would be most wholesome.

All detective associations should be required to take out a license, give bond and register the members of the association in the office of the Secretary of State. The service is in itself legitimate, but except under the strictest surveillance of the law no one should be allowed to exercise the function, and, to exercise it without authority, should be made a misdemeanor or a felony. It is an instrumentality of some good and great danger. It is always liable to be used for purposes of blackmailing, and when permitted without legal limitations, soon breaks down all sense of domestic privacy and depraves the tone of public sentiment. No one should be allowed to ply the calling without being invested with an official standing and held to a strict official responsibility.

Since the adjournment of the last General Assembly a steady stream of immigration has been flowing in upon the agricultural lands of the eastern part of the State. These settlers will constitute a permanent and valuable addition to our population. You will probably be asked to provide county government for their convenienee. I recommend the subject to your favorable consideration. It should not be forgotten that several counties of the plains have now a larger area than some important Eastern States, and it is a great hardship that people should be deprived of the advantages of a more localized county government whenever they are able and willing to support it.

The law governing the issue of requisition papers should be so amended as to surround the liberty of accused persons with greater security. The practice is now so lax that it may be made the instrument of blackmailing under the ægis of the law. The requisition should only be granted to officers under bond or to discreet persons selected by the executive.

Women should be made eligible to appointment as

notaries public. It is a cruel wrong to deprive any woman in any degree of the means of obtaining an honest livelihood. And that they are as capable of exercising the general functions of the notary as men, is beyond question. Colorado should not fall behind the manly and humane spirit of the West in enlarging the sphere of woman's usefulness.

I have a communication from the State Board of Medical Examiners, informing me that the Board will ask you to enact a law, of which a bill has been prepared, to improve the efficiency of their service. It should receive your careful consideration. The later amendments to the original law seem to have hopelessly crippled the efficiency of the Board. Nothing should be left undone to foster a high professional spirit among the medical faculty, and keep it abreast of the advance in scientific learning.

TEMPERANCE.

I beg leave to draw your attention to the importance of enacting at this session some rational law for the government of the liquor traffic. The time is unusually propitious to the enactment of sound and reasonable legislation on the subject—legislation which shall show earnest respect for the moral sentiment of the State, without going to the fanatical length of putting a restraint anywhere that cannot be borne.

Between the policy of unlimited license which will not be tolerated, and that of absolute suppression, which cannot be enforced, your wisdom will be able to discover somewhere a rational middle course that will fairly satisfy the the ends of justice. I am aware that but few of you were chosen with reference to this question, but I consider that circumstance favorable to sound and conservative legislation on the subject. I am aware that it is considered a dangerous question for politicians to meddle with, and it is

a subject which they seldom do meddle with till compelled to, and then unwisely, because fear or fanaticism overcomes the calm dictates of reason. But suffer me to observe that even for the politician the course of fearless rectitude will generally be found the expedient one. We have many laws already in our statute books that cannot everywhere be enforced, but they are not therefore useless. They serve as a standard before the eyes of the people, and they gradually educate the public sentiment.

The true policy in legislating on this question will be, I think, to so frame the law that wherever any considerable body of the people desire to, they may avail themselves of it, and wherever they do not so desire they may do otherwise without committing perjury to escape the consequences. This is simply localizing the national principle that the majority are entitled to rule. It is good policy, good democracy and good morality. It is a principle universally accepted and only needs to be made available on the liquor question to the smallest division of political government—the precinct, the ward, the district or the township, as may be—to relieve the subject of most of its embarrassment. This is commonly known as local option. It is a right that properly inheres in the community, and not in the State, to determine what influences it will tolerate in its midst.

This natural right should have been expressly reserved in the Constitution, but since it was not expressly surrendered, you have the unquestionable authority to make it available by a very simple and just law. I shall be glad to unite with you in promoting such a measure.

THE STATE DEBT.

The State debt consists of oustanding warrants, drawn against appropriations made from the general fund, bearing 6 per cent. interest; certificates of indebtedness, issued in

pursuance of an act of the Fifth General Assembly, 6 per cent. interest, and loco weed certificates unredeemed, as follows:

Outstanding warrants	$ 594,699 68
Certificates of indebtedness	13,483 91
Loco weed certificates	53,690 52
Total	$ 666,874 11
Less cash in Treasury applicable	22,236 43
Total indebtedness	$ 644,637 68

AUDITOR'S BIENNIAL REPORT.

The debt of the State is payable from the general fund, and the condition of the same is as follows:

Delinquent tax of 1880 and prior	$ 41,776 65
Delinquent tax of 1881	17,666 47
Delinquent tax of 1882	22,187 86
Delinquent tax of 1883	21,679 40
Delinquent tax of 1884	24,624 06
Delinquent tax of 1885	42,809 67
Taxes for 1886	497,078 84
Total tax due and delinquent	$ 667,822 97
Less 20 per cent. unavailable	133,564 59
Total	$ 534,258 38
Total brought forward	$ 534,258 38
State debt, November 30, 1886	644,637 68
Debt in excess of revenue	$ 110,379 30

Estimated receipts for two years, ending November 30, 1888:

Assessment for 1887, estimated	$ 130,000,000
Assessment for 1888, estimated	135,000,000
4-mill tax for 1887	$ 520,000
4-mill tax for 1888	540,000
Total assessed	$ 1,060,000
Less 7 per cent. as uncollectable	74,200
Estimated receipts from taxes	$ 985,800
Estimated receipts from all other sources	50,000
Total estimated receipts	$ 1,045,800

Total estimated expenditures for two years ending November 30, 1886, $916,900, which does not include estimates for any but the regular expenses of government under existing laws.

The total receipts for the general fund, out of which legislative appropriations are made, for the two years ending December 1, 1886, were $895,983.23. Against this the last General Assembly made appropriations amounting to $951,082.32.

The total receipts for the special funds were $941,412.01, of which $83,084.41 were transferred to the general revenue fund under the act of 1885, leaving $858,328.60 to the funds dedicated to special purposes.

The cash in the treasury on account of these dedicated funds amounts to $481,961.97.

Both the Auditor and Treasurer made recommendations in their reports which should receive your careful attention.

I beg to call your especial attention to the importance of requiring all banks, private as well as corporate, to report according to the present requirement relating to corporate banks. The State owes a positive duty to its citizens in this respect. The danger is not inconsiderable, and it should not be allowed to exist. It is contrary to all sound policy to suffer any banking business to be carried on without strict and frequent public accountability. The Honorable Treaurer and his predecessor have both called the attention of the General Assembly to this matter, and I trust it may not again be overlooked.

The Treasury Department should receive earnest and careful attention at this session.

The special funds have grown to large proportions, and some definite line of policy should be adopted respecting their management. They are likely to increase enormously

during the next two years, and unless provision is made for their investment, the State will sustain an important loss of interest. Lying idle in the treasury, they constitute a temptation to human frailty which all experience warns us not to throw in the way of any man. They are indeed only nominally in the treasury, being in fact scattered among the various banks. They are probably reasonably secure, but the State derives no revenue from them, as it should. This is a radical evil, and should be met by a radical remedy. Whenever the State has funds to loan, they should be advertised and loaned to the highest bidder, with ample security. In the State of New York, I believe, this matter is placed in the hands of a commission, consisting of the Governor, Auditor and Attorney General. It would seem wise for your honorable body to adopt a policy similar to that. It has been the unvarying experience of other States, where a loose management of the State funds has been permitted, that the result has been the utter corruption of politics. I see no reason to expect that we should escape the same consequences. The party that permits such an evil to grow up in Colorado against the warnings of experience, must lose the public confidence, and would be unworthy of it. In this connection I beg leave to direct your attention to a provision of the Constitution respecting the care of public funds. Section 13, of article IX., reads as follows:

"The making of profit, directly or indirectly, out of the State, county, city, town or school district money, or using the same for any purpose not authorized by law by any public officer, shall be deemed a felony, and shall be punished as provided by law."

The rigorous intention of the Constitution is plain and indisputable. By general understanding, a felony is an infamous offense, punishable with State's prison. But that provision of the Constitution cannot operate by its own

force. It needs a statutory law to put it in motion. So far as I am aware, we have no such law. The same defect, I believe, was discovered not long since in Tennessee, and later in Missouri, where it was found, after the treasury had been robbed, that the guilty officials could not be punished by criminal process. The only statute bearing on the question, so far as I am informed, is that of chapter 37, section 48, of the General Laws, which, with reference to the State treasury, reads as follows:

"If any State Treasurer shall make any false receipt of any money received by him by reason of his office, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty dollars and not exceeding one thousand dollars, and imprisoned till such fine is paid. And upon such conviction the court may adjudge that the Treasurer so convicted be removed from his office."

Is it not a miserable euphonism, gentlemen of the Assembly, to call the assassination of the State's credit a "misdemeanor," punishable only with a trifling fine, when the Constitution manifestly intended to stamp it with the brand of utter infamy? I beg to reiterate that the law of the department needs a radical revision, and it will be your high duty to look to it.

The present salary of the office may be thought inadequate. If this be so, let it be increased. It is an office that requires sound judgment, high integrity and a considerable degree of financial experience, and there can be no sound policy in underpaying such a combination of qualities. It is my opinion that the salary of the deputy should certainly be increased. It is now $1,500 a year, a sum too small to secure a capable and responsible man.

REPORTS OF THE JUDGES.

The report of the Honorable Judges of the Supreme Court is submitted herewith. It embraces the reports from District and Criminal Courts. The recommendations from the lower courts are especially important, and since they have the approval of the Supreme Judges, they deserve your most serious attention.

I cannot forbear to direct your attention once more to the damage that has been done the State by the enactment of laws that have proved to be unconstitutional. It is a serious matter, for it breaks down public confidence in the wisdom of the Legislature. It is an error easily avoided. The Constitution had this source of danger in view when it provided that on grave occasions the Supreme Court shall give its opinion to the General Assembly on the legality of any legislation contemplated. The long list of laws that conflict with the Constitution are a significant comment of this question. It seems to me that any occasion where there is the least doubt is grave enough to warrant your honorable body in seeking the advice of the Court. It would save the people great expense and confusion if you would habitually do so.

OUR DEAD.

Before concluding this message it seems to me altogether befitting that I should recall to your mind for a moment the memory of our honored dead who have passed away since the last meeting of the General Assembly.

The Hon. Jerome B. Chaffee, for several terms Delegate from the Territory of Colorado to the National House of Representatives, and later elected to represent the State in the National Senate, died about a year since at the home of his daughter in New York. He was a man to whom Col-

orado will ever owe an exhaustless debt of grateful memories. He rocked the cradle of her infancy, sustained and counseled her with a rough but loyal gentleness through the anxious years of maidenhood, and gave her finally, a proud and blushing bride, into the bosom of the Nation.

Bold and powerful in the scope of his character; dauntless in defense of his own convictions; loyal and unswerving in the devotion of his friendships; with a virile grasp of intellect, and a resistless determination of will that made him a master among the leaders of the Nation, he was a man, not without faults indeed, but with so many noble qualities of heart and head that even enmity must stand uncovered while affection weeps over the ashes of that beloved form laid low.

The boldest, tenderest, most loyal of her citizens, his name must stand forever on the title page of Colorado's history, and his image should be given the foremost place of honor in the capitol.

Frederick W. Pitkin, one of my distinguished predecessors in the office of Chief Magistrate, died within the last month at his home, in Pueblo, and was buried at Denver on the twenty-first of December.

Knowing that the pride and affection of the people would warrant nothing less, I gave directions that his funeral should be attended with every circumstance of public honor within the resources of the State.

Never was the funeral cortege of a public man followed to the tomb with a more undivided and tender sentiment of private regret.

He had been, for two terms, Governor of this commonwealth—an honor never bestowed upon any other citizen.

He brought to the discharge of his public duties the

culture of a scholar, the courtly graces of the gentleman and the manly humility of the Christian.

He was wise in determination and firm in execution, and he had withal an even gentleness of disposition that turned the edge of censure and made him to this people "the beloved Governor." The impress of his fine character will remain upon our history when the feeble clay that embodied it has moldered into dust.

He had the noblest funeral ever given in Colorado, and his tomb should be marked by some memorial befitting the affection and esteem in which he was held by the people. Wise, considerate and faithful; beloved, remembered and lamented, he sleeps amid the golden sands of the State he served with honor. God rest his gentle spirit.

THE NATION'S DEAD.

Grant, Hancock, McClellan, Logan—heroic figures in a heroic age; Arthur, Seymour, Tilden, Hendricks, statesmen whose characters cast a luster upon their page of history, all have been gathered to the rest of the brave and wise since the people of this State were last assembled in Legislature. The world goes on, but with a sense of lonliness to the heart of the Nation that, like a tender mother, mourns her bravest and wisest. Praise cannot add to their glory, nor censure detract; but the tears that have fallen will wash from our memory every trace of their lives save that which was entirely good. Foremost in devotion to their country, and for that devotion honored among her greatest, they have passed from the care and cavil of life to that realm of the unknowable, where in faith we can behold them assembled with the great and good of the past in the benignant presence of the Righteous Father of Man.

Theirs is the joy and the gain, ours the sorrow and the loss, and we who love our country not less than they—

though less heroically, perchance—cannot too carefully hand down their memory along the ages, that patriotism and wisdom may have honor among men to the end of the world. The devotion of the citizen is the strength of the State. It is a sentiment that must be preserved and cherished to save us in the hour of peril—a sentiment that thrives upon the confidence of man in man, that grows with the glory it achieves. Therefore, let us give honor unto it. Let us recall, with sorrowing pride, to our minds to-day, in this grave and honorable assemblage of the State, that our illustrious dead, the untitled nobility of the grand republic, sprang from the people, lived for the people, were honored by the people and—

"Walked with kings an even page
The great world's promenade."

The lesson of their lives shall not be lost, for every breeze that blows from the broad bosom of the Atlantic will gather the holy incense of ambitious patriotism from their graves and scatter it over the land,

And the crowns we withhold from the brows of the living
Shall proudly be laid on the tombs of the dead.

BENJ. H. EATON,

Governor.

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